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Paper No. 8
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In re Application of: :
Gidadhubli, et al. :
Application No. 09/750,295 :
Filed: December 29, 2000 :
Attorney Docket No. 1330.1092 (PIK) :

OFFICE OF PETITIONS

DECISION GRANTING
PETITION

This is a decision on the petition filed July 2, 2001, requesting that the above-identified application be accorded a filing date of December 29, 2000, rather than the presently accorded filing date of March 2, 2001.

A review of the original application papers shows that the papers were stamped in the Patent and Trademark Office (PTO) with a December 29, 2000 Office generated barcode. The Office of Initial Patent Examination found the original papers to be complete for filing date purposes, as was stated in the Notice to File Missing Parts, mailed February 9, 2001. Therefore, the filing date of the application is the date shown on the Office generated barcode or "Office Date" stamp. See MPEP 505. Obviously, the March 2, 2001 filing date shown on applicants' updated filing receipt, mailed June 12, 2001 is a typographical error. In addition, petitioners have submitted a copy of the itemized postcard receipt for the above-identified application bearing an Office generated barcode dated December 29, 2000 affixed thereto. The return postcard constitutes *prima facie* evidence that this application was filed on December 29, 2000. MPEP 503.

Accordingly, the petition is granted. No petition fee is required and none has been charged.

The application is being returned to the Office of Initial Patent Examination for mailing of a corrected filing receipt and correction of PTO records to show the filing date of the application as December 29, 2000, not March 2, 2001.

Telephone inquiries pertaining to this matter may be directed to Petitions Attorney E. Shirene Willis at (703) 308-6712.

Beverly M. Flanagan
Supervisory Petitions Examiner
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for Patent Examination Policy